



United States Environmental Protection Agency  
Region 1 – New England  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

APR 23 2015

**Certified Mail  
Returned Receipt Required**

Harold I. Bumby, President,  
The Maine Wood Treaters, Inc.  
58 Walker Ave.  
Mechanic Falls, ME 04256

Re: Request for Information Pursuant to Section 308 of the Clean  
Water Act (33 U.S.C. § 1318), Docket No. 308-01-15-021

Dear Mr. Bumby:

On December 13, 2015 the U.S. Environmental Protection Agency, Region I (the "Region") conducted a joint inspection of the Maine Wood Treaters' facility located at 58 Walker Avenue in Mechanic Falls, ME (hereafter referred to as the "site" or "Facility") along with the Maine Department of Environmental Protection ("MEDEP"). The Facility was inspected for compliance with the Clean Water Act (the "Act").

Sections 308(a) and 311(m) of the Clean Water Act, 33 U.S.C. §§ 1318(a) and 1321(m) authorize the Environmental Protection Agency ("EPA") to require any owner or operator to provide information needed to determine whether there has been a violation of the Act. Accordingly, you are hereby required, pursuant to Sections 308(a) and 311(m) of the Act, 33 U.S.C. §§ 1318(a) and 1321(m) to respond to this Request for Information (the "Request") **within thirty (30) calendar days of receipt of this letter.** Please read the instructions in Enclosure 1 carefully before preparing your response and answer each question in Enclosure 2 as clearly and completely as possible.

Your response to this Request must also be accompanied by a certificate that is signed and dated by the person who is authorized to respond to the Request. A Statement of Certification, Enclosure 3, accompanies this letter.

Information submitted pursuant to this Request shall be sent by certified mail, and shall be addressed as follows:

United States Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
Attention: Alex Rosenberg (OES 04-4)

and

Maine Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017  
Attention: Scott Reynolds

Compliance with this Request is mandatory. Failure to respond fully and truthfully or to respond within the time frame specified above also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses the opportunity to submit comments on regulatory enforcement at the time of an EPA enforcement action. The enclosed Information Sheet contains information regarding their rights, and describes compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. EPA routinely provides this information to businesses whether or not they qualify as small businesses, as defined by the Small Business Administration. Please be aware that availing yourself of this opportunity does not relieve your facility of its responsibility to comply with applicable federal and state laws and regulations.

The company may assert a business confidentiality claim with respect to part or all of the information submitted to EPA in the manner described at 40 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, the information may be made available to the public by EPA without further notice.

If you have questions regarding this Request, please contact Alex Rosenberg of my staff at 617-918-1709, or have your attorney contact Jeffrey Kopf, Senior Enforcement Counsel, at 617-918-1796.

Sincerely,



James Chow, Manager  
Technical Enforcement Office  
Office of Environmental Stewardship

Enclosures

Cc: Scott Reynolds, Maine Department of Environmental Protection  
Alex Rosenberg, EPA Region 1

## **Enclosure No. 1**

### **Information Request Instructions**

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Request. Precede each answer with the text and the number of the question and the subpart to which the answer corresponds.
2. If any question cannot be answered in full, answer to the extent possible. If your responses are qualified in any manner, please explain.
3. Any documents referenced or relied upon by you to answer any of the questions in the Request must be copied and submitted to EPA with your response. All documents must contain a notation indicating the question and subpart to which they are responding. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit one copy of the documentation and reference the documentation in subsequent responses.
4. If information or documents not known or not available to you as of the date of the submission of the response to this Request for Information should later become known, or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is inaccurate or incomplete, you must notify the EPA of this finding as soon as possible and provide a corrected response.





## **Enclosure No. 2**

### **Respond to the Following Questions**

#### **I. General Business and Ownership Information Questions:**

- a. Specify the full legal name, with exact spelling, and the business mailing address and telephone number of The Maine Wood Treaters, Inc. ("The Maine Wood Treaters"). Specify the state of incorporation and the principal place of business. List all of The Maine Wood Treaters' parent and subsidiary corporations' names and addresses.
- b. Specify the entity or entities that own or have owned The Maine Wood Treaters from May 1, 2010 to the present. If any transfer of ownership has occurred, specify the owner(s) prior to and following the transfer and the date of transfer.
- c. Provide a flow chart/diagram that illustrates the corporate and management structure of The Maine Wood Treaters and its subsidiaries. Identify who has responsibility for environmental compliance within The Maine Wood Treaters both currently and since May 1, 2010.
- d. Provide a list of all facilities with addresses throughout New Hampshire, Vermont, Maine, Massachusetts, Connecticut and Rhode Island ("New England") that are subsidiaries of, or affiliated with, The Maine Wood Treaters.
- e. For each facility listed in response to (d) above including The Maine Wood Treaters Facility in Mechanic Falls, please provide the following information:
  - (1) the Standard Industrial Code(s), specifying the primary SIC code;
  - (2) The date each facility first began operation and, if different, the date the current owner took over ownership of each facility;
  - (3) If a facility is operated by an entity other than the owner, include the name of the current operator and the date the operator took over operation of that facility; and
  - (4) A description of the industrial processes that are carried out at each facility.

II. Provide a separate response to the following questions for the Facility.

a. General Industrial Process Wastewater Questions:

- (1) Identify all unit operations<sup>1</sup> that generate process wastewater.
- (2) For each unit operation that generates process wastewater, provide an estimated or actual daily maximum and monthly average flow rate (in gallons) for each discharge.
- (3) Provide a copy of all permits issued for process wastewater discharges and all analytical results of process water monitoring for the period from May 1, 2010 to the present in chronological order.
- (4) Describe all pollution control equipment (i.e., settling tanks, catch basins, and sedimentation or filtering media) along the wastewater flow path from the unit operation's source to its discharge point and all maintenance and inspection procedures and frequencies associated with each piece of equipment.
- (5) If there have been any modifications to the facility's process wastewater flows or pollution control equipment from May 1, 2010 to the present, please describe each modification, in detail, including dates.
- (6) For each identified unit operation which generates a process wastewater, identify on a site-diagram the exact location and drainage area where the operation is conducted. In addition, explain and include on the diagram the hydrological path of flow including pipes, culverts, ditches, etc. from each process wastewater operation(s) from May 1, 2010, to the present. Explain in detail all locations where there may have been, or continues to be, a potential for process wastewater to discharge from the facility to surface waters (including wetlands).

b. General Stormwater Questions:

- (1) Provide the date of application for stormwater permit coverage (Notice of Intent), date of permit issuance and date of permit expiration for all permits held since May 1, 2010.
- (2) Provide a copy of each facility's stormwater management plan (such as the Stormwater Pollution Prevention Plan ("SWPPP")). State when the original plan was prepared and the dates of all revisions to the plan since May 1, 2010.

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<sup>1</sup> For the purpose of this letter, an "operation" is a complete manufacturing or industrial process such as, but not limited to, equipment cleaning and rinsing, wood treatment, wastewater treatment, wastewater recycling, residual fluids from material stockpiles, building and floor washing, floor drains, and vehicle maintenance, etc.



- (3) From May 1, 2010 to the present, provide the name(s) of each person responsible for the implementation of the stormwater management plans. This includes, but is not limited to, personnel responsible for conducting storm water inspections, monitoring, maintaining Best Management Practices ("BMPs"), recordkeeping and updating of the plans. For each person listed, please also provide the person's title and responsibilities, period of employment, and whether the individual is/was an employee or contractor.
- (4) Provide the following documents and information in chronological order for the period from May 1, 2010 to the present:
- (i) *Quarterly site inspection or site compliance evaluations.* If inspections have not been conducted and documented, explain why;
  - (ii) *Monthly Inspections* of all processing areas. If inspections have not been conducted and documented, explain why;
  - (iii) *Quarterly visual monitoring.* If inspections have not been conducted and documented, please explain why;
  - (iv) Numeric Effluent Limitation Monitoring Stormwater analytical monitoring results and applicable Chain-of-Custody forms including benchmark monitoring. For each result, indicate from which facility and outfall the sample was collected. Please be as specific as possible when providing a response for this question;
  - (v) Contingency plan and tank inspection procedures for all wastewater process tanks;
  - (vi) Any documentation of the Facility's Preventative Maintenance Program including the schedule and records of the inspection and maintenance of stormwater management devices.
- (5) Provide all employee training records relating to stormwater since May 1, 2010.
- (6) Describe and list all industrial activities<sup>2</sup> that have taken place from May 1, 2010 to the present; include the period of time and dates during which the activities occurred.

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<sup>2</sup> For the purpose of this letter, an "industrial activity" includes, but is not limited to log, lumber and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; wood surface preservation and, equipment or vehicle maintenance, storage and repair areas, etc.

- (i) State which industrial activities are exposed to stormwater. If the activity is not exposed to stormwater, describe the measure which prevents the activity from being exposed, i.e., roof assembly, tarpaulin, fixed or portable structure, etc.;
  - (ii) For industrial activities conducted outside, describe all specific source control measures, best management practices ("BMPs") or structural controls that were or are currently being used to minimize pollutant discharges in stormwater. Include annual operation and maintenance schedules (including road grading, catch basin debris removal, pond maintenance, etc.) and invoices from the past year from any outside contracting service providers.
- (7) If there have been any modifications to the facility's industrial activities that are exposed to stormwater, their source control measures, best management practices or structural controls from May 1, 2010, to the present, describe the conditions prior to each change, the nature of each change, and the date when each change was implemented. Also, specify the reason why the change was made.
- (8) List and describe each stormwater discharge to surface water or wetlands, and its ultimate discharge location. Name the receiving surface water or wetland.
- (i) Provide a site-diagram illustrating the flow path of stormwater from each industrial process exposed to stormwater to their ultimate destination; and
  - (ii) Provide an estimate or, if available, an actual volumetric flow rate (in gallons per month) from each discharge, and the minimum rain storm intensity event(s) that will produce a stormwater discharge.
- (9) Include a description of all the known areas on site that contain soils contaminated with historical uses of chlorophenolic, creosote or chromium-copper-arsenic and any BMPs identified and implemented to minimize the contact of these areas and materials with stormwater.

c. General Spill Prevention, Control and Countermeasures (SPCC) Questions:

- (1) Provide the aggregate shell capacity of all above ground oil tanks and containers equal to or greater than 55 gallons in size. Under 40 C.F.R. § 112.2, "oil" is defined as oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil;
- (2) If the facility developed or is developing or updating its SPCC Plan or wastewater Operations and Maintenance ("O&M") Plans post-inspection or post-reception of this Information Request letter, include the following information:



- (i) The cost of preparing the new or revised SPCC Plan and O&M Plans;
- (ii) The cost of implementing the SPCC and O&M Plans (including the cost of constructing additional secondary containment at the facility);
- (iii) The ongoing annual costs of implementing the SPCC and O&M Plans, over and above the annual costs of the prior Plan or protocols (including training, inspections and record keeping).
- (iv) Provide a copy of the facility's current SPCC Plan.

III. The following questions relate to observations made by EPA during the December 13, 2014, inspection of The Maine Wood Treathers Facility.

- a. The EPA inspector observed snow and associated debris having been plowed into the Facility's stormwater detention pond number 1 (Enclosure 4) – slides 33, 34, 35). Provide a statement as to how many years the Facility has utilized this practice of plowing snow into the stormwater detention pond and what alternative location the Facility plans to utilize in the future.
- b. The EPA inspector also observed snow and debris plowed into the wetlands that border the Facility (Enclosure 4 – slides 38, 39, 42-52). Provide a statement detailing the actions taken by the facility to delineate the wetland boundaries and to train employees on the importance of not discharging pollutants into these areas.
- c. The EPA inspector observed that adequate inspection of the 10,000 gallon above ground oil storage tank and its containment area was not possible do to the geometry of its containment structure. Include in the Facility's SPCC Plan a description of what modifications will be implemented and a schedule for their completion to allow for proper inspections to commence.



**Enclosure No. 3 - Statement of Certification for The Maine Wood Treaters, Inc.**

(To be returned with Response to Information Request)

I declare under penalty of perjury that I am authorized to respond on behalf of The Maine Wood Treaters, Inc. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)



